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The Court of Appeals here affirms the decision of the Appellate Division (1918) 168 N. Y. Supp. 454, as to which see note in 27 YALE LAW JOURNAL, 563. See also Corbin, *Contracts for the Benefit of Third Persons* (1918) 27 YALE LAW JOURNAL, 1008, which is cited in the opinion. The development of the New York law on this subject is set forth in an excellent opinion of Mr. Justice Pound, and the statement of the lower court that "The doctrine of *Lawrence v. Fox* is progressive, not retrograde" is approved.

**DOWER—PERSONS ENTITLED—DESERTING AND ADULTEROUS WIFE.**—A married woman deserted her husband in 1871 and never returned to him. For many years she lived in adultery with other men. In 1914 the husband died testate. The wife claimed dower in his estate. The claim was resisted on the ground that under the Statute of Westminster II, 13 Edw. I, ch. 34 (1285), which came to be recognized as part of the common law of England, the desertion and subsequent adultery of the wife operated to bar her claim for dower. *Held*, that the wife was entitled to dower. Eschweiler, J., *dissenting*. *Davis v. Davis* (1918, Wis.) 167 N. W. 879.

The majority of the court took the view that the statutory system of divorce in Wisconsin, which makes adultery a ground for divorce, had provided a broader remedy than the English law and had therefore superseded it. The dissenting judge took the view that the Wisconsin statutes merely gave an additional remedy without conflicting with the English law in any way. The cases in other jurisdictions are in conflict. Citations are given in the prevailing and in the dissenting opinion. From the point of view of policy there seems no answer to the dissenting judge's view that "the faithless ought not now to be rewarded as though faithful."

**INJUNCTION—RESTRAINING ENFORCEMENT OF ALLEGED INVALID ORDINANCE.**—The Shredded Wheat Company, a New York corporation, asked in Illinois for an injunction to restrain the City of Elgin from enforcing an ordinance which required the payment of a license fee by any person distributing hand bills, samples, and other advertising matter. The complainant claimed that in distributing its advertising matter it was engaged in interstate commerce and that therefore the ordinance was unconstitutional. It alleged that "irreparable injury" would result from enforcement of the ordinance, but to substantiate this allegation stated no other facts than those given above. *Held*, that the complainant was not entitled to equitable relief. *Shredded Wheat Co. v. City of Elgin* (1918, Ill.) 120 N. E. 248.

The decision in the case is an excellent example of the lack of provision in our system of law for the rendering of declaratory judgments. See Borchard, *The Declaratory Judgment*, *supra*, p. 1. Relief in equity is here denied on the ground that "there is no reason why the validity of the ordinance may not be determined by a court of law in . . . a [criminal] prosecution. If it is invalid, the prosecution will fail and the complainant will not be injured, and if it is valid, there is no ground upon which its enforcement should be enjoined." Thus the plaintiff is compelled, in order to ascertain whether he is legally privileged to distribute the advertising matter without a license, to run the risk of subjecting himself to a successful criminal prosecution if his attorney's view of a doubtful question of constitutional law turns out to be incorrect.

**JOINT TENANCY—PERSONAL PROPERTY—JOINT BANK DEPOSIT PAYABLE TO SURVIVOR.**—Mrs. Rusk deposited money in a bank and received a certificate of deposit payable to herself or her daughter, "or the survivor." The bank